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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,841	12/20/2001	Kevin Stone Manes	077943-0147	1463
22428	7590	11/05/2004	EXAMINER	
FOLEY AND LARDNER SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			HUFFMAN, JULIAN D	
			ART UNIT	PAPER NUMBER
			2853	

DATE MAILED: 11/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

in

<b>Advisory Action</b>	Application No. 10/022,841	Applicant(s) MANES ET AL.	
	Examiner Julian D. Huffman	Art Unit 2853	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 22 October 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☒ Applicant's reply has overcome the following rejection(s): Rejection of claims 3, 4 and 11.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: \_\_\_\_\_

Claim(s) rejected: \_\_\_\_\_

Claim(s) withdrawn from consideration: \_\_\_\_\_

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
10. ☒ Other: See Continuation Sheet

  
**Stephen D. Meier**  
Primary Examiner

Continuation of 10. Other: Applicant argues that Katsuyama does not teach the fixed print heads. No where in the office action is it stated that the feature is inherent. Therefore, applicant's arguments regarding inherency are irrelevant. Additionally, Katsuyama clearly teaches a fixed full line print head. The examiner provided the passages where this feature is taught in the non-final rejection and the final rejection. It is not clear why applicant maintains their position when Katsuyama so clearly recite "a full line ink jet printing head that is practically used as a printing head at present". Katsuyama also teaches an alternative embodiment that describes a carriage mounted print head. Applicant refers to the portions of Katsuyama which discloses this alternative embodiment which uses a movable carriage, however this is a separate embodiment. There would be no need to provide a movable carriage with a full line print head because the full line printhead extends beyond the width of the media.

Applicant's argument regarding claim 3 is persuasive.

Applicant's argument regarding claims 5 and 8, that in Katsuyama the roller does not move in response to the carriage is not persuasive. The limitation "in response" is not present in claim 5. Further, the limitation is present in claim 8, but is directed towards the intended use of the device and does not recite any additional structure. With regards to the case law cited by applicant, *In re Venezia*, this particular case is an appeal to the U.S. Court of Customs and Patent Appeals from the Patent and Trademark Office Board of Appeals solely regarding a 112 second paragraph rejection and a 101 rejection of the claims. The cited case law is entirely irrelevant to the present rejection. Also the cited case law does not provide any guidance on how one should interpret functional language with regards to examination and rejection under 102 or 103 or how these limitations should be treated when applying prior art. Apparatus claims are directed towards the structure of the device. The limitation for automatically positioning in response to movement does not recite additional structure which is not taught by the prior art. Further the prior art is capable of performing the function.

Applicant's argument regarding claim 12 is not persuasive. The lower block 141L is fixed and helps set the upper position of the idler carriage. The rejection does not state that the upper block 141U is fixed, rather the lower block 141L meets the claim limitation.

Applicant's argument regarding claims 29 and 30 is not persuasive. Applicant provided the blanket statement that the means plus function limitations are not taught since the cited elements are not the same as those claimed, but provides no rationale to support this assertion. The examiner maintains that the means plus function limitations are meant by the appropriate structure identified by the rejection and the burden is now shifted to applicant to refute these statements; a mere recitation that the elements are not equivalent is insufficient.

Applicant's argument regarding claim 7 is not persuasive. The roll in Kurata is clearly at the end of the idler carriage and therefore the combination teaches this limitation. Applicant has not claimed that the roller is in contact with the end of the idler carriage.

Applicant's argument regarding claims 9 and 10 is not persuasive. If a signal controls movement of the actuator, then the actuator is necessarily controlled by a signal indicative of the movement of the actuator and carriage.

Applicant's request to rejoin claims 22-7 has been considered, however these claims will not be rejoined. Firstly, the product claims are not allowable, secondly, the process claims do not include all of the limitations of the product claims.

  
Stephen D. Meier  
Primary Examiner